

**03-9560    HOWELL V. MISSISSIPPI**

Decision Below:    860 So.2d 704 (Miss. 2003)

QUESTION PRESENTED

1. ~~Can a state court, consistent with the Eighth and Fourteenth Amendments to the Constitution of the United States, refuse to instruct a jury in a death penalty case on at least one lesser included offense that is recognized in state law and supported by the evidence?~~

Certiorari Granted 6/28/04

The parties are directed to brief and argue the following Question:

“Was petitioner’s federal constitutional claim properly raised before the Mississippi Supreme Court for purposes of 28 U. S. C. Sec. 1257?”